

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF ESTABLISHING)	
POLICY FOR TREATMENT OF EXHIBITS IN)	ADMINISTRATIVE ORDER
COMPLIANCE WITH OSHA STANDARDS)	NO. 2004-089
FOR BLOODBORNE PATHOGENS AND)		(Supersedes Administrative
<u>HAZARDOUS MATERIALS</u>)		Order 95-024)

The Judicial Branch, including Superior Court, the Clerk of the Court, Juvenile Court, Justice Courts and the Adult and Juvenile Probation Departments, are mandated to comply with OSHA's Hazard Communication Standard, codified as 29 CFR 1910 and the Bloodborne Pathogens Standard, codified as subsection 1910.1030.

Compliance includes mandatory training, implementation and enforcement of safety measures with constant monitoring by the Judicial Branch. Absolute compliance is essential to ensure the safe work practices of all members of the Judicial Branch which in turn will eliminate potential exposure of staff and the public to health risks.

IT IS ORDERED that Superior Court, the Clerk of the Court, Juvenile Court, Justice Courts and the Adult and Juvenile Probation Departments are delegated the responsibility to establish a training, enforcement, and monitoring system to fully comply with these OSHA standards. In establishing such a system, the policy of the Judicial Branch in regards to Bloodborne Pathogens and Hazardous Materials is identified below to assist in the development of specific departmental procedures.

I. INVENTORY OF EXHIBITS:

- A. The party, arresting agency and/or counsel is responsible to search the pockets or pouches of clothing, suitcases, purses, bags, backpacks, boxes or any other containers prior to submission as an exhibit. A list of the contents of said items shall be provided to the courtroom clerk when the item is presented to be marked as an exhibit.

II. PACKAGING OF EXHIBITS:

- A. Should any biological or potentially hazardous materials of a chemical nature be submitted, said item will be packaged in see-through, tamperproof, leakproof packaging in accordance with OSHA standards. Counsel, the party or the arresting agency shall be responsible for the proper packaging of these items.
- B. Knives and sharps (including screwdrivers or any other sharp item that is identified as a biological or potentially hazardous material) will be submitted in a container in accordance with OSHA standards preventing direct contact with

the items. (Also see Maricopa County Superior Court Administrative Order 2003-082, In the Matter of Establishing A Policy on the Appropriate Treatment of Weapons as Exhibits, Section II, Subsection B, which states:

All knives intended to be offered as exhibits shall be delivered to the clerk using the following procedures:

- 1. Placed in a sheath cover*
- 2. Packaged pursuant to the biohazard safety requirements of Administrative Order No. 95-024.)*

- C. Needles, extended or unextended, will be placed in a puncture resistant container, and sealed to prevent the container from opening.
- D. All items will be packaged in plastic, see-through containers so that the contents may be seen without being removed from the container.
- E. Biological or potentially hazardous materials of a chemical nature will be labeled in accordance with OSHA standards.
- F. Courtroom Clerks will accept only those sharp, biological, sensitive or potentially hazardous items, which have been packaged in the prescribed protective packaging.
- G. Courtroom Clerks will not remove the contents from any of the above listed packaging and will be held accountable only for what the item is "purported" to be.
- H. NOTE: Prior to 1997, exhibits of biological or potentially hazardous materials were not required to be packaged in accordance with OSHA standards. Therefore, any past exhibits stored with the Clerk's Office of a biological nature or a potentially hazardous material intended to be remarked and utilized as exhibits in another hearing or trial shall be released to the party, arresting agency and/or counsel for proper packaging in accordance with OSHA standards.

III. UNSEALING OF PACKAGED EXHIBITS:

- A. Only upon order of the Court may biological or potentially hazardous materials be removed from sealed packaging. Counsel, the party or arresting agency shall remove the item from the sealed packaging. In the event an item is removed from the sealed packaging, counsel, the party or arresting agency must be prepared to properly reseal item in accordance with OSHA packaging standards.

- B. Courtroom Clerks will not remove or reinsert the contents from any of the above listed packaging and will be held accountable only for what the item is "purported" to be.

IV. BIOLOGICAL OR POTENTIALLY HAZARDOUS EXHIBITS TO THE JURY:

- A. Jurors shall be instructed not to remove biological or potentially hazardous exhibits from its sealed package and the jury will seek authorization from the Court to view the item outside of the packaging.
- B. Should the Court grant the request to open a biological or potentially hazardous sealed exhibit, said exhibit shall be opened in open court and released to counsel, the party or the arresting agency to be resealed in accordance with OSHA packaging standards.

V. RELEASE OF EXHIBITS:

- A. When appropriate, the Court will permanently release all exhibits of a biological nature or potentially hazardous materials at the conclusion of trial.

VI. COURTROOM EXPOSURE:

- A. Should an exposure occur during any court proceeding, the judicial officer, a Courtroom Services Manager from the Clerk's Office and Court Security will be notified. The Court will stop the proceedings and the area will be evacuated immediately to allow for appropriate decontamination.

VII. EDUCATION/TRAINING:

- A. The Judicial Branch shall develop a comprehensive training program for Judicial Branch employees regarding handling biological or potentially hazardous materials.
- B. Annual training of Judicial Branch employees is mandatory as defined in Standard Operating Procedures.
- C. All new Judicial Branch employees, as well as employees changing jobs or job functions shall receive appropriate training for their new job assignment.

VIII. DEFINITIONS:

- A. Biological or potentially hazardous materials include:
1. Bloodborne pathogens, which means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
 2. Potentially infectious materials such as: semen, saliva and other body fluids.
 3. Chemicals, flammable and radioactive materials.
 4. Any other known/suspected human health hazards.

Dated this 28th day of June 2004.

Honorable Colin F. Campbell
Presiding Judge

Original: Filed with the Clerk of the Court

cc: Chief Justice Charles E. Jones
Hon. Terry Goddard, Attorney General
Hon. Richard Romley, County Attorney
Hon. Michael K. Jeanes, Clerk of the Superior Court
Hon. Eddward Ballinger, Jr., Criminal Presiding Judge
Marcus Reinkensmeyer, Trial Court Administrator
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